

<b>Examiner-Initiated Interview Summary</b>	Application No.	Applicant(s)
	09/463,890	KOSZINOWSKI ET AL.
	Examiner	Art Unit
	Gerald G Leffers Jr., PhD	1636

All Participants: \_\_\_\_\_ Status of Application: \_\_\_\_\_

(1) Gerald G Leffers Jr., PhD. (3) \_\_\_\_\_

(2) John Kilyk. (4) \_\_\_\_\_

Date of Interview: 11 February 2005 Time: \_\_\_\_\_

**Type of Interview:**

Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant  Applicant's representative)

Exhibit Shown or Demonstrated:  Yes  No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

*Prior art rejections over both Messerle et al references, the '621 patent and Luckow et al.*

**Claims discussed:**

*All pending claims.*

**Prior art documents discussed:**

*See Continuation Sheet*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
**GERRY LEFFERS**  
**PRIMARY EXAMINER**

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

*Interview Summary Attachment*

Continuation of Identification of prior art discussed: Luckow, et al. (Journal of Virology. 1993, Vol. 67, No. 8, pages 4566-4579); U.S. Pat. No. 6,277,621 (Horsburgh, et al); Messerle et al (PNAS USA 1997, VOL. 94, No. 26, pp. 14759-14763); Messerle et al. (Journal of Molecular Medicine, 1996, Vol. 74, No. 4, p. B8).

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner phoned Mr. Kilyk to let him know that an action would soon be forthcoming for this application. Sequence compliance was discussed with regard to the sequences in Figure 23 and with regard to the need for a statement as to there being no New Matter for any supplemental sequence listing. The examiner explained why the proposed amendment of claim 68 from the response of 4/29/2002 hasn't been entered. Further, the examiner indicated rejections under U.S.C. 112 2<sup>nd</sup> paragraph that are being made in the instant action. The need for a certified English translation of the German foreign priority document was also discussed along with the rejections that are necessitated over Messerle et al and U.S. Pat. No. 6,277,621 due to the fact that the foreign priority claim hasn't been perfected. The rationale for rejection of claims 71-72 over the Messerle et al art of record was also explained. Mr. Kilyk was notified that at least one reference had been identified that is 102(b) art against the broadest pending claims (i.e. Luckow, et al.). Mr. Kilyk was informed there is a possibility of the need for an interference proceeding for the broadest of the pending claims and the broadest claims from the '621 patent.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald G Leffers Jr., PhD whose telephone number is (571) 272-0772. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gerald G Leffers Jr., PhD  
Primary Examiner  
Art Unit 1636

Ggl